



General Assembly

February Session, 2012

***Raised Bill No. 389***

LCO No. 1995

\*01995\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT REDEFINING EXECUTIVE SESSIONS UNDER THE FREEDOM OF INFORMATION ACT TO PERMIT CERTAIN CONFIDENTIAL COMMUNICATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (6) of section 1-200 of the 2012 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2012*):

4 (6) "Executive sessions" means a meeting of a public agency at  
5 which the public is excluded for one or more of the following  
6 purposes: (A) Discussion concerning the appointment, employment,  
7 performance, evaluation, health or dismissal of a public officer or  
8 employee, provided that such individual may require that discussion  
9 be held at an open meeting; (B) strategy and negotiations with respect  
10 to pending claims or pending litigation to which the public agency or a  
11 member thereof, because of the member's conduct as a member of such  
12 agency, is a party until such litigation or claim has been finally  
13 adjudicated or otherwise settled; (C) matters concerning security  
14 strategy or the deployment of security personnel, or devices affecting

15 public security; (D) discussion of the selection of a site or the lease, sale  
 16 or purchase of real estate by a political subdivision of the state when  
 17 publicity regarding such site, lease, sale, purchase or construction  
 18 would cause a likelihood of increased price until such time as all of the  
 19 property has been acquired or all proceedings or transactions  
 20 concerning same have been terminated or abandoned; [and] (E)  
 21 discussion of any matter which would result in the disclosure of public  
 22 records or the information contained therein described in subsection  
 23 (b) of section 1-210; and (F) confidential communications, as defined in  
 24 section 52-146r, between the public agency and a government attorney  
 25 or discussion of such communications.

26 Sec. 2. Section 1-231 of the general statutes is repealed and the  
 27 following is substituted in lieu thereof (*Effective October 1, 2012*):

28 (a) At an executive session of a public agency, attendance shall be  
 29 limited to members of [said body] the public agency and persons  
 30 invited by [said body] the public agency to present testimony or  
 31 opinion pertinent to matters before [said body] such agency, provided  
 32 [that] (1) such persons' attendance shall be limited to the period for  
 33 which their presence is necessary to present such testimony or opinion,  
 34 and [, provided further, that] (2) the minutes of such executive session  
 35 shall disclose all persons who are in attendance except job applicants  
 36 who attend for the purpose of being interviewed by such agency.

37 (b) An executive session may [not] be convened to receive or discuss  
 38 oral [communications that would otherwise be privileged by the  
 39 attorney-client relationship if the agency were a nongovernmental  
 40 entity, unless the executive session is for a purpose explicitly permitted  
 41 pursuant to subdivision (6) of section 1-200] or written "confidential  
 42 communications", as defined in section 52-146r.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2012</i>	1-200(6)
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Sec. 2	October 1, 2012	1-231
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***Statement of Purpose:***

To permit executive sessions for the purpose of discussing the oral or written legal advice of a government attorney under the Freedom of Information Act and to limit the exception for oral communications to confidential communications.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*